

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**GRUMA CORPORATION d/b/a  
MISSION FOODS**

**and**

**Case 32-CA-24791**

**INTERNATIONAL BROTHERHOOD  
of TEAMSTERS, Local 853**

**ORDER<sup>1</sup>**

Mission Food's petition to revoke subpoenas ad testificandum A-873567, A-873568, and A-873569 is denied. The subpoenas seek information relevant to the matter under investigation, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations, and the Petitioner has failed to establish any legal basis for revoking the subpoenas. See generally

---

<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Teamsters Local 523 v. NLRB*, 590 F.3d 849 (10th Cir. 2009); *Narricot Industries, L.P. v. NLRB*, 587 F.3d 654 (4th Cir. 2009); *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).

*NLRB v. North Bay Plumbing*, 102 F.3d 1005 (9<sup>th</sup> Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4<sup>th</sup> Cir. 1996).

Dated, Washington, D.C., February 25, 2010.

WILMA B. LIEBMAN,      CHAIRMAN

PETER C. SCHAUUMBER,      MEMBER